

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Dervin Paul Francis**

**Docket No. 5:17-CR-362-1H**

**Petition for Action on Supervised Release**

COMES NOW Daniel J. Heimrich, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Dervin Paul Francis, who, upon an earlier plea of guilty to Possession of a Firearm by a Felon, in violation of 18 U.S.C. § 922(g)(1), 18 U.S.C. § 924(a)(2), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on June 14, 2018, to the custody of the Bureau of Prisons for a term of 30 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Dervin Paul Francis was released from custody on January 17, 2020, at which time the term of supervised release commenced.

On March 6, 2020, a violation report was submitted to the court stating that the defendant tested positive for Marijuana. The court agreed to continue the defendant on supervision and continue substance abuse treatment.

On June 5, 2020, a motion for revocation was submitted and a warrant requested as the defendant allegedly committed the offenses of Robbery With a Dangerous Weapon and Posses Stolen Goods/ Property on June 4, 2020, in Cumberland County case 20CR055355. A revocation hearing was held on September 15, 2020, and all violations were dismissed as there was insufficient evidence to move forward with revocation hearing and the defendant was continued on supervision.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On October 19, 2020, the defendant submitted a urine sample that tested positive for marijuana. The defendant admitted that he would be positive for marijuana prior to a urine sample being taken and stated that he used the drug a few days prior with a friend. The defendant was remorseful for his actions and advised that it would not happen again. The defendant obtained a substance abuse assessment on October 5, 2020, and it was recommended that the defendant obtain a mental health evaluation. In response to the positive urinalysis, we are recommending that the conditions of supervision be made to include the defendant obtaining a mental health evaluation and complying with all recommendations.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,


I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Eddie J. Smith  
Eddie J. Smith  
Supervising U.S. Probation Officer

/s/ Daniel J. Heimrich  
Daniel J. Heimrich  
U.S. Probation Officer  
150 Rowan Street Suite 110  
Fayetteville, NC 28301  
Phone: 910-354-2531  
Executed On: October 19, 2020

**ORDER OF THE COURT**

Considered and ordered this 20th day of October, 2020, and ordered filed and  
made a part of the records in the above case.

  
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Malcolm J. Howard  
Senior U.S. District Judge